

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH A. ABEYTA,

Plaintiff,

v.

SANTA CLARA COUNTY DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

No. C 07-04660 CW (PR)

ORDER DISMISSING SUPERVISORY
AND MUNICIPAL LIABILITY CLAIMS

On December 4, 2008, the Court issued an Order of Service and directed Plaintiff to amend his supervisory and municipal liability claims against Defendants Csabanyi and Santa Clara County Department of Corrections/Sheriff's Department. The Court gave Plaintiff until January 5, 2009 to file an amendment to the complaint. Failure to do so would result in dismissal of his supervisory and municipal liability claims without prejudice. The time to file the amendment to the complaint has passed, and Plaintiff has failed to do so. Accordingly,

IT IS HEREBY ORDERED that the supervisory liability claim against Defendant Csabanyi and the municipal liability claim against Santa Clara County Department of Corrections/Sheriff's Department are dismissed without prejudice.

IT IS SO ORDERED.

Dated: 1/28/09



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH A. ABEYTA,

Plaintiff,

v.

SANTA CLARA COUNTY DEPT. OF
CORRECTIONS et al,

Defendant.

Case Number: CV07-04660 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 28, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Joseph Anthony Abeyta CHY429
Santa Clara City Correction Department
03026633
885 N. San Pedro Street
San Jose, CA 95110

Mark F. Bernal
Office of the County Counsel
70 W. Hedding St., 9th Floor, East Wing
San Jose, CA 95110

Dated: January 28, 2009

Richard W. Wiekling, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California